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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,658	02/15/2001	Fumihiko Nishio	450106-03008	2231

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EXAMINER

ZHONG, CHAD

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/28/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

84

Office Action Summary

Application No.

09/784,658

Applicant(s)

NISHIO ET AL.

Examiner

Chad Zhong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-12 are presented for examination.
2. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
3. The disclosure is objected to because of the following informalities:
pg 9, line 25 "receives" should be changed to "received".
pg 11, line 21 "server" should be changed to "service".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371 (c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Addington et al. (hereinafter Addington), US 6,405,239.
6. As per claim 1, Addington teaches a service providing apparatus, comprising:
program inputting means for inputting a server program for executing a service;
program activating means for activating the server program;
program executing means for executing the server program (Col. 1, lines 20-55);
service condition storing means for storing a service condition about a service that is provided (Col.

8, lines 9-16, lines 23-26; Col. 9, lines 5-10);

service registering means for registering a service to a directory along with its service condition (Col. 8, lines 9-16, lines 23-26; Col. 9, lines 5-10; Col. 2, lines 1-21); and

communication controlling means for controlling a communication, wherein the service condition of the service is registered to the directory along with location information of a server that provides the service (Col. 8, lines 9-16, lines 23-26; Col. 9, lines 5-10; Col. 2, lines 1-21; Col. 4, lines 10-19; Col. 3, lines 30-43).

7. As per claim 2, Addington teaches the service providing apparatus as set forth in claim 1, wherein said communication controlling means controls a communication with a transmitting apparatus through a bi-directional network (Col. 2, lines 1-21).

8. As per claim 3, Addington teaches the service providing apparatus as set forth in claim 1, wherein said communication controlling means controls a communication with a receiving apparatus through a bi-directional network (Col. 2, lines 1-21; Col. 3, lines 30-42).

9. As per claim 4, Addington teaches a transmitting apparatus, comprising:

communication controlling means for controlling a communication with a service providing apparatus (Col. 2, lines 1-21);

directory registering means for registering directory information received through said communication controlling means (Col. 2, lines 1-21; Col. 3, lines 30-43);

directory storing means for storing the registered directory information (Col. 2, lines 1-21; Col. 3, lines 30-43); and

transmitting means for transmitting the content of said directory storing means to a receiving apparatus (Col. 4, lines 10-19),

wherein information about a plurality of servers that provide the same service is stored to one directory entry (Col. 4, lines 10-19; Col. 2, lines 1-19),

wherein a server selection algorithm corresponding to the service conditions of the servers is added to the directory entry (Col. 4, lines 10-19; Col. 6, lines 6-23; Col. 8, lines 9-16), and

wherein the directory information containing the server selection algorithm is stored to said directory storing means (Col. 4, lines 10-19; Col. 6, lines 6-23; Col. 8, lines 9-16; Col. 2, lines 1-20).

10. As per claim 5, Addington teaches the transmitting apparatus as set forth in claim 4, wherein the directory entry is identified by a service name (Col. 3, lines 30-43).

11. As per claim 6, Addington teaches the transmitting apparatus as set forth in claim 4, wherein the information about the servers contains the locations of the servers (Col. 15, lines 33-47; Col. 2, lines 1-20).

12. As per claim 7, Addington teaches the transmitting apparatus as set forth in claim 4, wherein said transmitting means transmits directory information to a receiving apparatus through a broadcasting network (Col. 2, lines 1-20).

13. As per claim 8, Addington teaches a receiving apparatus, comprising:

receiving means for receiving directory information (Col. 2, lines 1-20);

directory storing means for storing the received directory information (Col. 2, lines 1-20);

directory searching means for searching the content of the directory corresponding to searching and executing requests of the user (Col. 3, lines 30-67; Col. 6, lines 6-23);

client activating means for activating a client program for receiving a requested service corresponding to the searched result (Col. 8, lines 9-26; Col. 15, lines 25-47);

client executing means for executing the activated client program;

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client executing means for executing the activated client program (Col. 15, lines 25-47; Col. 2, lines 1-20; Col. 6, lines 5-22); and

communication controlling means for controlling a communication between a client and a server, wherein a desired service is searched from the directory and a server selection algorithm stored in the searched directory entry is executed so as to select a server connected to the client (Col. 6, lines 5-23; Col. 8, lines 8-25).

14. As per claim 9, Addington teaches the receiving apparatus as set forth in claim 8, wherein the directory entry is identified by a service name (Col. 3, lines 30-67).

15. As per claim 10, Claim 10 is rejected for the same reasons as rejection to claim 6 above.

16. As per claim 11, the receiving apparatus as set forth in claim 8, wherein the server selection algorithm is executed with reference to service conditions of the directory entry (Col. 4, lines 10-20; Col. 2, lines 1-20; Col. 6, lines 5-23).

17. As per claim 12, Claim 12 is rejected for the same reasons as rejection to combination of claims 8 and 11 above respectively.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "SERVICE PROVIDIN APPARATUS, TRANSMITTING APPARATUS, RECEIVING APPARATUS, AND RECEIVING METHOD".

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|-----|------------|------------------|
| i. | US 6625643 | Colby et al. |
| ii. | US 6446108 | Rosenberg et al. |

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- iii. US 6219700 Chang et al.
- iv. US 6512754 Feder et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (703) 305-0718. The examiner can normally be reached on M-F 7am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703-305-8498. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CZ
June 3, 2004


ZARNI MAUNG
PRIMARY EXAMINER